vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.314 OF 2005
IN
SUIT NO.3799 OF 1998

Sakinabai Qutbuddin Khokhar & Ors. ... Plaintiffs

V/s.

M/s.Carona Limited ... Defendant

Ms.J.M. Sidhwa i/b Zaidy & Co. for Plaintiffs
Mr.Bharat Vaishnawa for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 20, 2006**

P.C.:

. The present Motion has been taken out for placing the suit on Board for judgment for want of written statement. According to the Plaintiffs, writ of summons was served on 12.10.1998 on the Defendant and no written statement has been filed as yet. The Plaintiffs in fact called upon the Defendant through their advocate's letter dated 7.1.2005 to furnish them a copy of the written statement.

2. Mr.Vaishnawa, appearing for the Defendant, states that leave be granted to file the written statement within three weeks from today.

3. Some of the Plaintiffs being senior citizens, it is desirable that the suit is disposed off as expeditiously as possible. The delay in filing the

written statement is unexplained. However, with a view to give the Defendant an opportunity to defend the suit, the written statement shall be filed within three weeks from today conditional upon the defendant paying to the plaintiffs costs quantified at Rs.10,000/-.

4. In the event the written statement is not filed within the stipulated time and the costs are not paid, the suit to be placed on the Board for Judgement for want of written statement.

5. Notice of Motion is disposed off accordingly.